IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2062 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/09/2004 in WP NO : 8305 OF 2004 on the file of the High Court.)

Between:

Challagundla Bikshamaiah, S/o Ramaiah,
R/o Kothaganeshunipadu Village, Machavaram Mandal,
Guntur District.

..... APPELLANT

AND

1 The District Collector, Guntur, Guntur District.
2 The District Panchayat Officer, Guntur, Guntur District.
3 The Panchayat Secretary, Kothaganeshunipadu ,
Gram Panchayat Machavaram Mandal, Guntur District.
4 Sarpanch, Kothaganeshunipadu Gram Panchayat, Machavaram Mandal, Guntur District.

.....RESPONDENT(S)

Counsel for the Appellant:MR.P.GANGA RAMI REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent Nos. 3 and 4: Mr. Dammalapati Srinivas

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

According to the appellant, he carried out some construction work of the Panchayat building and after completion of the work, it was handed over in the year 2001. He claims that Rs. 87,536/- is due and payable and has not been paid by the respondent-Panchayat and therefore, he filed the writ petition and sought for directions for payment of the said amount.

Learned single judge dismissed the writ petition on the ground that the appropriate remedy for the appellant is to file a Civil Suit for recovery of the amounts if any due and he cannot file a writ petition. There is no justification for us to defer with the view taken by the learned single judge. The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 28th December, 2004

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M. NARAYANA REDDY,J

Pnb

To

1 The District Collector, Guntur, Guntur District.
2 The District Panchayat Officer, Guntur, Guntur District.
3 The Panchayat Secretary, Kothaganeshunipadu ,
Gram Panchayat, Machavaram Mandal, Guntur District.
4 Sarpanch, Kothaganeshunipadu Gram Panchayat, Machavaram

Mandal, Guntur District.

5 Two C.Cs. to the Government Pleader for Panchayat Raj & Rural

Development, High Court Buildings, Hyderabad. (OUT)

6 Two C.D. copies